

Remarks:

Response to Restriction without Traverse

This Response is to the Official Communication dated May 26, 2005.

Claims 1-20 were pending and were made subject of a restriction requirement. Under 35 U.S.C. 121, in the Office Action on page 2, the Examiner identified the following groups:

- I. Claims 1-14 as drawn to a Manual Handle Apparatus, classified in class 74, subclass 552.
- II. Claims 15-20 as drawn to a method of using a Manual Handle Apparatus, classified in class 269, subclass 244.

Applicant accepts the restriction requirement with respect to group I as representing the structure claims 1-14 and group II as representing method claims 15-20 as being patentably distinct groupings.

In the Office Action page 3, paragraph 8, the Examiner stated that in reference to Group I, three patentably distinct species exist between Figures 1 and 3, Figure 2, and Figures 4 and 5. In the Office Action page 4, paragraph 10, the Examiner also stated that in reference to Group II, three patentably distinct species exist between Figure 6, Figure 7, and Figure 8.

Applicant respectfully traverses species I and II, related only to the three species each within group I and group II. In order to determine whether

a restriction is proper, it is necessary to compare the claimed subject matter to determine the distinctiveness or independence. MPEP §806.01. The criteria of distinctiveness is set forth in MPEP §806.05(c). The difference between group I species Figures 1 and 3, Figure 2, and Figures 4 and 5, consists solely of the hub aperture 60 relating to Figures 2, 4, and 5 and the combination of the hub aperture 60 and the disc aperture 40 that are being combined, as Figures 1 and 3 clearly show the hub aperture 60 and the disc aperture 40 combined, wherein Figures 4 and 5 clearly show the use of the hub aperture 60 only, and Figure 2 shows a view that is applicable to all Figures 1, 3, 4, and 5. Also in the description paragraph 9, the Figure 2 drawing description states that Figure 2 applies to both the exemplary embodiment and the alternative embodiment, with the exemplary embodiment being represented by Figures 1, 2, and 3, as stated in the description paragraphs 8, 9, and 10. Also, the alternative embodiment is represented by Figures 2, 4, and 5, as stated in the description paragraphs 9, 11, and 12. Thus, Applicant suggests that there are two patentably distinct species in group I, being represented by Figures 1, 2, and 3 and Figures 2, 4, and 5. Thus, the exemplary embodiment is represented by claims 1-7 and the alternative embodiment is represented by claims 8-14.

The difference between group II species Figures 6, 7, and 8, consists solely of the hub aperture 60 relating to Figures 2, 4, and 5 and the combination of the hub aperture 60 and the disc aperture 40 being combined, as Figures 1 and 3 clearly show the hub aperture 60 and the disc aperture 40

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combined, wherein Figures 4 and 5 clearly show the use of the hub aperture 60 only, and Figure 2 shows a view that is applicable to all Figures 1, 3, 4, and 5, also in the description paragraph 9, the Figure 2 drawing description states that Figure 2 applies to both the exemplary embodiment and the alternative embodiment, with the exemplary embodiment being represented by Figures 1, 2, and 3, as stated in the description paragraphs 8, 9, and 10. Also, the alternative embodiment is represented by Figures 2, 4, and 5, as stated in the description paragraphs 9, 11, and 12. Related to Figures 6, 7, and 8, if the Examiner refers to the description in paragraph 74, Figures 6, 7, and 8 all apply to both the exemplary and alternative embodiments. Thus Applicant suggests that there are two patentably distinct species in group II, being the exemplary and alternative embodiments represented structurally by Figures 1, 2, and 3 and Figures 2, 4, and 5 respectively, wherein Figures 6, 7, and 8 all apply to the exemplary and alternative embodiments represented, thus the exemplary embodiment is represented by claims 15-17 and the alternative embodiment is represented by claims 18-20.

In the event that the Examiner maintains their position with respect to restriction between the three species each under groups I and II among which the restriction is traversed, then Applicant provisionally elects to pursue group II including claims 15-17, as best represented by Figure 8, with the Applicant canceling group I claims 1-14 from consideration and group II claims 18-20, as being drawn to non elected claims, subject to filing subsequent divisional applications for group I claims 1-14 and group II claims 18-20.

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The Examiner stated in the office action on page 6, paragraph 13, that the information disclosure statement filed on October 14, 2003 (office action states 2005) fails to comply with 37 C.F.R. 1.98(a)(2), wherein cited reference JP 1-127275 only had been submitted with page 1.

In response, applicant encloses the second and final page of the aforementioned reference and the following summary related to the above reference.

Reference No. JP 1-127275 to Arnold being a patent application publication discloses a machine vise similar to the also cited below Arnold patent utilizing a force amplifier in a vise with a conventional handle.

Reference No. US3,807,721 to Arnold being a patent discloses a mechanical clamping device with a clamping force amplifier having a lever linkage bearing against a taper rod that is turned by the crank through a clutch disc to achieve higher clamping forces than would be possible with a screw shaft. There is no teaching relative to controlling the clamping force or speed closing of the vise jaws. Applicant requests that the Examiner consider cited reference JP 1-127275 to Arnold in examination of the present application.

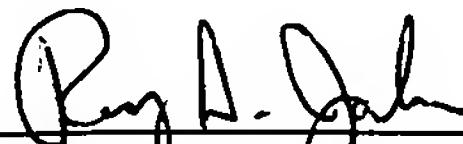
Applicant respectfully requests that a timely notice of allowance be issued in this case.

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